

REMARKS

In the Office Action dated November 12, 2002, claims 14 and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,660,479 to May et al. (hereinafter "May"). Specifically, the Examiner contends that Figure 7 of May clearly discloses the claimed invention. The rejection has been made final.

In response, Applicants have amended claim 14, which when considered with the remarks set forth below are deemed to place the application in condition for allowance. Claims 14 and 16 remain in the application for continued prosecution. Reconsideration of the application is respectfully requested.

Applicants have amended claim 14 to further specify the orientation of zipper (10) in relation to the seals formed during production of the package. First, claim 14 now recites that the package has end seals formed by the opposing walls, which extend in the direction of zipper (10). Support for this amendment is found in Figs. 7 and 8 which show cut lines at the position of seals formed at the two ends of package (110). Support is also found in the specification at page 4, line 7 to page 5, line 2, which describes the zipper being transversely applied to the thermoplastic sheet, the thermoplastic sheet being formed into a tube where the tube is transversely sealed relative to the zipper, and the tube being cut transversely relative to the zipper to form the package. *See also* page 6, line 34 - page 7, line 2. In view of the zipper and seals being both in a transverse orientation, one skilled in the art would therefore recognize that the zipper and seals at the end of the package must extend in the same direction. Thus, the application as filed provides support for having end seals extending in the direction of the zipper. No new matter is being added.

Second, Applicants have amended claim 14 to further specify that the package has an overlap or fin seal extending perpendicular to said zipper. Support is found in the specification and in Fig. 7 which describe lateral edges (96) being folded toward one another and around the product, where the lateral edges (96) are sealed to each other with a fin or lap seal. *See* page 4, lines 27-30; page 12, lines 25-29; page 13, lines 1-17. One skilled in the art would recognize that the seal of the lateral edges would in a perpendicular orientation relative to the transversely applied zipper (10). Thus, amending claim 14 to specify that the lap or fin seal is perpendicular to the zipper is supported by the application as filed. No new matter is being added.

Turning to the rejection of claims 14 and 16, Applicants respectfully submit that May does not anticipate the pending claims. As the Examiner will note from Fig. 7 of May, there is no seal extending in the same direction as the zipper. The reason for this is that the zipper of May is applied in a longitudinal direction with regard to the thermoplastic film rather than being applied in a transverse direction with regard to the thermoplastic film. Likewise, Fig. 7 of May does not disclose a lap or fin seal extending perpendicular to the zipper as is required by claim 14, as amended. Thus, May does not anticipate claims 14 and 16.

Moreover, as pointed out in the specification, the use a longitudinal zipper makes satisfactory sealing against leakage difficult. *See* page 2, lines 5-21. The cause of the leakage is where the cross or seals (which extend perpendicular to the zipper rather than in the direction of the zipper) must flatten and seal the zipper. *See id.* Applicants' transverse zipper application and resulting orientation of the package seals relative to the zipper afford improved protection against leaks.

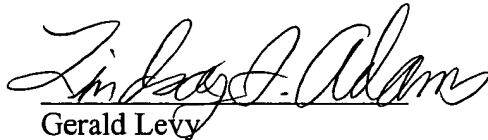
In view of the above, it is respectfully submitted that the application is in condition for allowance which action is earnestly solicited. If the Examiner has any questions regarding the

amendment submitted herewith, the Examiner is respectfully requested to contact the undersigned attorney.

A marked-up version of the amended specification and claims is included in a section attached hereto. In the marked-up specification and claims, the words between brackets are being removed and the underlined words are being added, which places the amended specification and claims into the form given above. The attached section is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

Applicants do not believe that any fees are due with this amendment. However, if any additional fees are due, please charge such sums to our Deposit Account, 50-1145.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gerald Levy".

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 14 in the following manner:

14. (Four Times Amended) A reclosable package comprising:

a first wall and a second wall opposite said first wall;

a zipper strip for selectively opening and closing said package, said zipper strip comprising a male interlocking profile extending along an internal surface of said first wall and a female interlocking profile extending along an internal surface of said second wall;

said male interlocking profile having a male interlocking member and a male web integral therewith;

said female interlocking profile having a female interlocking member and a female web integral therewith, said male interlocking member being engageable within said female interlocking member to join said male and female interlocking profiles together;

wherein one of said male and female webs is wider than the other of said male and female webs in at least one of two directions from said male and female interlocking members, the greater width of the wider of said male and female webs being at least one flange extending widthwise beyond the other of said male and female webs;

wherein said at least one flange of one interlocking profile is sealed to said first and second walls at a first seal area spaced apart widthwise from said interlocking members on a first widthwise side of said interlocking members; [and]

wherein the other interlocking profile is sealed to the second wall at a second seal area spaced apart widthwise from said interlocking members and separated from said first seal area by

the joined thickness of said interlocking profiles along the length of said zipper strip, said second seal area being on said first widthwise side of said interlocking members; and
wherein said package includes sealed ends formed from said first and second walls extending in the direction as said zipper and a lap or fin seal extending perpendicular to said zipper.